

SB0062



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0062

Introduced 1/31/2007, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-2	from Ch. 38, par. 12-2
720 ILCS 5/12-4	from Ch. 38, par. 12-4
720 ILCS 535/7	from Ch. 38, par. 82-7

Amends the Criminal Code of 1961. Provides that an assault or battery using an air rifle constitutes aggravated assault or aggravated battery. Amends the Air Rifle Act. Eliminates the maximum \$50 fine that may be imposed for violation of the Act by a person who is not a dealer of air rifles. Effective immediately.

LRB095 06267 RLC 26362 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Sections 12-2 and 12-4 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

8 (a) A person commits an aggravated assault, when, in
9 committing an assault, he:

10 (1) Uses a deadly weapon, an air rifle as defined in
11 the Air Rifle Act, or any device manufactured and designed
12 to be substantially similar in appearance to a firearm,
13 other than by discharging a firearm in the direction of
14 another person, a peace officer, a person summoned or
15 directed by a peace officer, a correctional officer or a
16 fireman or in the direction of a vehicle occupied by
17 another person, a peace officer, a person summoned or
18 directed by a peace officer, a correctional officer or a
19 fireman while the officer or fireman is engaged in the
20 execution of any of his official duties, or to prevent the
21 officer or fireman from performing his official duties, or
22 in retaliation for the officer or fireman performing his
23 official duties;

1 (2) Is hooded, robed or masked in such manner as to
2 conceal his identity or any device manufactured and
3 designed to be substantially similar in appearance to a
4 firearm;

5 (3) Knows the individual assaulted to be a teacher or
6 other person employed in any school and such teacher or
7 other employee is upon the grounds of a school or grounds
8 adjacent thereto, or is in any part of a building used for
9 school purposes;

10 (4) Knows the individual assaulted to be a supervisor,
11 director, instructor or other person employed in any park
12 district and such supervisor, director, instructor or
13 other employee is upon the grounds of the park or grounds
14 adjacent thereto, or is in any part of a building used for
15 park purposes;

16 (5) Knows the individual assaulted to be a caseworker,
17 investigator, or other person employed by the Department of
18 Healthcare and Family Services (formerly State Department
19 of Public Aid), a County Department of Public Aid, or the
20 Department of Human Services (acting as successor to the
21 Illinois Department of Public Aid under the Department of
22 Human Services Act) and such caseworker, investigator, or
23 other person is upon the grounds of a public aid office or
24 grounds adjacent thereto, or is in any part of a building
25 used for public aid purposes, or upon the grounds of a home
26 of a public aid applicant, recipient or any other person

1 being interviewed or investigated in the employees'
2 discharge of his duties, or on grounds adjacent thereto, or
3 is in any part of a building in which the applicant,
4 recipient, or other such person resides or is located;

5 (6) Knows the individual assaulted to be a peace
6 officer, or a community policing volunteer, or a fireman
7 while the officer or fireman is engaged in the execution of
8 any of his official duties, or to prevent the officer,
9 community policing volunteer, or fireman from performing
10 his official duties, or in retaliation for the officer,
11 community policing volunteer, or fireman performing his
12 official duties, and the assault is committed other than by
13 the discharge of a firearm in the direction of the officer
14 or fireman or in the direction of a vehicle occupied by the
15 officer or fireman;

16 (7) Knows the individual assaulted to be an emergency
17 medical technician - ambulance, emergency medical
18 technician - intermediate, emergency medical technician -
19 paramedic, ambulance driver or other medical assistance or
20 first aid personnel engaged in the execution of any of his
21 official duties, or to prevent the emergency medical
22 technician - ambulance, emergency medical technician -
23 intermediate, emergency medical technician - paramedic,
24 ambulance driver, or other medical assistance or first aid
25 personnel from performing his official duties, or in
26 retaliation for the emergency medical technician -

1 ambulance, emergency medical technician - intermediate,
2 emergency medical technician - paramedic, ambulance
3 driver, or other medical assistance or first aid personnel
4 performing his official duties;

5 (8) Knows the individual assaulted to be the driver,
6 operator, employee or passenger of any transportation
7 facility or system engaged in the business of
8 transportation of the public for hire and the individual
9 assaulted is then performing in such capacity or then using
10 such public transportation as a passenger or using any area
11 of any description designated by the transportation
12 facility or system as a vehicle boarding, departure, or
13 transfer location;

14 (9) Or the individual assaulted is on or about a public
15 way, public property, or public place of accommodation or
16 amusement;

17 (9.5) Is, or the individual assaulted is, in or about a
18 publicly or privately owned sports or entertainment arena,
19 stadium, community or convention hall, special event
20 center, amusement facility, or a special event center in a
21 public park during any 24-hour period when a professional
22 sporting event, National Collegiate Athletic Association
23 (NCAA)-sanctioned sporting event, United States Olympic
24 Committee-sanctioned sporting event, or International
25 Olympic Committee-sanctioned sporting event is taking
26 place in this venue;

1 (10) Knows the individual assaulted to be an employee
2 of the State of Illinois, a municipal corporation therein
3 or a political subdivision thereof, engaged in the
4 performance of his authorized duties as such employee;

5 (11) Knowingly and without legal justification,
6 commits an assault on a physically handicapped person;

7 (12) Knowingly and without legal justification,
8 commits an assault on a person 60 years of age or older;

9 (13) Discharges a firearm;

10 (14) Knows the individual assaulted to be a
11 correctional officer, while the officer is engaged in the
12 execution of any of his or her official duties, or to
13 prevent the officer from performing his or her official
14 duties, or in retaliation for the officer performing his or
15 her official duties;

16 (15) Knows the individual assaulted to be a
17 correctional employee or an employee of the Department of
18 Human Services supervising or controlling sexually
19 dangerous persons or sexually violent persons, while the
20 employee is engaged in the execution of any of his or her
21 official duties, or to prevent the employee from performing
22 his or her official duties, or in retaliation for the
23 employee performing his or her official duties, and the
24 assault is committed other than by the discharge of a
25 firearm in the direction of the employee or in the
26 direction of a vehicle occupied by the employee;

1 (16) Knows the individual assaulted to be an employee
2 of a police or sheriff's department engaged in the
3 performance of his or her official duties as such employee;
4 ~~or~~

5 (17) Knows the individual assaulted to be a sports
6 official or coach at any level of competition and the act
7 causing the assault to the sports official or coach
8 occurred within an athletic facility or an indoor or
9 outdoor playing field or within the immediate vicinity of
10 the athletic facility or an indoor or outdoor playing field
11 at which the sports official or coach was an active
12 participant in the athletic contest held at the athletic
13 facility. For the purposes of this paragraph (17), "sports
14 official" means a person at an athletic contest who
15 enforces the rules of the contest, such as an umpire or
16 referee; and "coach" means a person recognized as a coach
17 by the sanctioning authority that conducted the athletic
18 contest; or.

19 (18) Knows the individual assaulted to be an emergency
20 management worker, while the emergency management worker
21 is engaged in the execution of any of his or her official
22 duties, or to prevent the emergency management worker from
23 performing his or her official duties, or in retaliation
24 for the emergency management worker performing his or her
25 official duties, and the assault is committed other than by
26 the discharge of a firearm in the direction of the

1 emergency management worker or in the direction of a
2 vehicle occupied by the emergency management worker.

3 (a-5) A person commits an aggravated assault when he or she
4 knowingly and without lawful justification shines or flashes a
5 laser gunsight or other laser device that is attached or
6 affixed to a firearm, or used in concert with a firearm, so
7 that the laser beam strikes near or in the immediate vicinity
8 of any person.

9 (b) Sentence.

10 Aggravated assault as defined in paragraphs (1) through (5)
11 and (8) through (12) and (17) of subsection (a) of this Section
12 is a Class A misdemeanor. Aggravated assault as defined in
13 paragraphs (13), (14), and (15) of subsection (a) of this
14 Section and as defined in subsection (a-5) of this Section is a
15 Class 4 felony. Aggravated assault as defined in paragraphs
16 (6), (7), (16), and (18) of subsection (a) of this Section is a
17 Class A misdemeanor if a firearm is not used in the commission
18 of the assault. Aggravated assault as defined in paragraphs
19 (6), (7), (16), and (18) of subsection (a) of this Section is a
20 Class 4 felony if a firearm is used in the commission of the
21 assault.

22 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,
23 eff. 1-1-06; revised 12-15-05.)

24 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

25 Sec. 12-4. Aggravated Battery.

1 (a) A person who, in committing a battery, intentionally or
2 knowingly causes great bodily harm, or permanent disability or
3 disfigurement commits aggravated battery.

4 (b) In committing a battery, a person commits aggravated
5 battery if he or she:

6 (1) Uses a deadly weapon, other than by the discharge
7 of a firearm, or uses an air rifle as defined in the Air
8 Rifle Act;

9 (2) Is hooded, robed or masked, in such manner as to
10 conceal his identity;

11 (3) Knows the individual harmed to be a teacher or
12 other person employed in any school and such teacher or
13 other employee is upon the grounds of a school or grounds
14 adjacent thereto, or is in any part of a building used for
15 school purposes;

16 (4) (Blank);

17 (5) (Blank);

18 (6) Knows the individual harmed to be a community
19 policing volunteer while such volunteer is engaged in the
20 execution of any official duties, or to prevent the
21 volunteer from performing official duties, or in
22 retaliation for the volunteer performing official duties,
23 and the battery is committed other than by the discharge of
24 a firearm;

25 (7) Knows the individual harmed to be an emergency
26 medical technician - ambulance, emergency medical

1 technician - intermediate, emergency medical technician -
2 paramedic, ambulance driver, other medical assistance,
3 first aid personnel, or hospital personnel engaged in the
4 performance of any of his or her official duties, or to
5 prevent the emergency medical technician - ambulance,
6 emergency medical technician - intermediate, emergency
7 medical technician - paramedic, ambulance driver, other
8 medical assistance, first aid personnel, or hospital
9 personnel from performing official duties, or in
10 retaliation for performing official duties;

11 (8) Is, or the person battered is, on or about a public
12 way, public property or public place of accommodation or
13 amusement;

14 (8.5) Is, or the person battered is, on a publicly or
15 privately owned sports or entertainment arena, stadium,
16 community or convention hall, special event center,
17 amusement facility, or a special event center in a public
18 park during any 24-hour period when a professional sporting
19 event, National Collegiate Athletic Association
20 (NCAA)-sanctioned sporting event, United States Olympic
21 Committee-sanctioned sporting event, or International
22 Olympic Committee-sanctioned sporting event is taking
23 place in this venue;

24 (9) Knows the individual harmed to be the driver,
25 operator, employee or passenger of any transportation
26 facility or system engaged in the business of

1 transportation of the public for hire and the individual
2 assaulted is then performing in such capacity or then using
3 such public transportation as a passenger or using any area
4 of any description designated by the transportation
5 facility or system as a vehicle boarding, departure, or
6 transfer location;

7 (10) Knows the individual harmed to be an individual of
8 60 years of age or older;

9 (11) Knows the individual harmed is pregnant;

10 (12) Knows the individual harmed to be a judge whom the
11 person intended to harm as a result of the judge's
12 performance of his or her official duties as a judge;

13 (13) (Blank);

14 (14) Knows the individual harmed to be a person who is
15 physically handicapped;

16 (15) Knowingly and without legal justification and by
17 any means causes bodily harm to a merchant who detains the
18 person for an alleged commission of retail theft under
19 Section 16A-5 of this Code. In this item (15), "merchant"
20 has the meaning ascribed to it in Section 16A-2.4 of this
21 Code;

22 (16) Is, or the person battered is, in any building or
23 other structure used to provide shelter or other services
24 to victims or to the dependent children of victims of
25 domestic violence pursuant to the Illinois Domestic
26 Violence Act of 1986 or the Domestic Violence Shelters Act,

1 or the person battered is within 500 feet of such a
2 building or other structure while going to or from such a
3 building or other structure. "Domestic violence" has the
4 meaning ascribed to it in Section 103 of the Illinois
5 Domestic Violence Act of 1986. "Building or other structure
6 used to provide shelter" has the meaning ascribed to
7 "shelter" in Section 1 of the Domestic Violence Shelters
8 Act;

9 (17) (Blank); ~~or~~

10 (18) Knows the individual harmed to be an officer or
11 employee of the State of Illinois, a unit of local
12 government, or school district engaged in the performance
13 of his or her authorized duties as such officer or
14 employee; or.

15 (19) ~~(18)~~ Knows the individual harmed to be an
16 emergency management worker engaged in the performance of
17 any of his or her official duties, or to prevent the
18 emergency management worker from performing official
19 duties, or in retaliation for the emergency management
20 worker performing official duties.

21 For the purpose of paragraph (14) of subsection (b) of this
22 Section, a physically handicapped person is a person who
23 suffers from a permanent and disabling physical
24 characteristic, resulting from disease, injury, functional
25 disorder or congenital condition.

26 (c) A person who administers to an individual or causes him

1 to take, without his consent or by threat or deception, and for
2 other than medical purposes, any intoxicating, poisonous,
3 stupefying, narcotic, anesthetic, or controlled substance
4 commits aggravated battery.

5 (d) A person who knowingly gives to another person any food
6 that contains any substance or object that is intended to cause
7 physical injury if eaten, commits aggravated battery.

8 (d-3) A person commits aggravated battery when he or she
9 knowingly and without lawful justification shines or flashes a
10 laser gunsight or other laser device that is attached or
11 affixed to a firearm, or used in concert with a firearm, so
12 that the laser beam strikes upon or against the person of
13 another.

14 (d-5) An inmate of a penal institution or a sexually
15 dangerous person or a sexually violent person in the custody of
16 the Department of Human Services who causes or attempts to
17 cause a correctional employee of the penal institution or an
18 employee of the Department of Human Services to come into
19 contact with blood, seminal fluid, urine, or feces, by
20 throwing, tossing, or expelling that fluid or material commits
21 aggravated battery. For purposes of this subsection (d-5),
22 "correctional employee" means a person who is employed by a
23 penal institution.

24 (e) Sentence.

25 (1) Except as otherwise provided in paragraphs (2) and
26 (3), aggravated battery is a Class 3 felony.

1 (2) Aggravated battery that does not cause great bodily
2 harm or permanent disability or disfigurement is a Class 2
3 felony when the person knows the individual harmed to be a
4 peace officer, a community policing volunteer, a
5 correctional institution employee, an employee of the
6 Department of Human Services supervising or controlling
7 sexually dangerous persons or sexually violent persons, or
8 a fireman while such officer, volunteer, employee, or
9 fireman is engaged in the execution of any official duties
10 including arrest or attempted arrest, or to prevent the
11 officer, volunteer, employee, or fireman from performing
12 official duties, or in retaliation for the officer,
13 volunteer, employee, or fireman performing official
14 duties, and the battery is committed other than by the
15 discharge of a firearm.

16 (3) Aggravated battery that causes great bodily harm or
17 permanent disability or disfigurement in violation of
18 subsection (a) is a Class 1 felony when the person knows
19 the individual harmed to be a peace officer, a community
20 policing volunteer, a correctional institution employee,
21 an employee of the Department of Human Services supervising
22 or controlling sexually dangerous persons or sexually
23 violent persons, or a fireman while such officer,
24 volunteer, employee, or fireman is engaged in the execution
25 of any official duties including arrest or attempted
26 arrest, or to prevent the officer, volunteer, employee, or

1 fireman from performing official duties, or in retaliation
2 for the officer, volunteer, employee, or fireman
3 performing official duties, and the battery is committed
4 other than by the discharge of a firearm.

5 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,
6 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;
7 94-482, eff. 1-1-06; revised 8-19-05.)

8 Section 10. The Air Rifle Act is amended by changing
9 Section 7 as follows:

10 (720 ILCS 535/7) (from Ch. 38, par. 82-7)

11 Sec. 7. Sentence.

12 Any dealer violating any provision of Section 2 of this Act
13 commits a petty offense.

14 Any person violating any other provision of this Act
15 commits a petty offense ~~and shall pay a fine not to exceed \$50.~~

16 (Source: P.A. 77-2815.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.